

### **REMARKS**

All comments and remarks of record are herein incorporated by reference. Applicants respectfully traverse these rejections and all comments made in the Office Action. Nevertheless, in an effort to expedite prosecution, Applicants provide the following remarks regarding the cited references.

### **DISPOSITION OF CLAIMS**

Claims 1-14, and 16-28 are pending in the application. Claims 1, 12, 16 and 26 have been amended for clarification. No new matter has been added.

### **TELEPHONE INTERVIEW**

Applicants respectfully thank the Examiner for granting a telephone interview on August 16, 2007. With this reply, the Applicants adopt the Examiner's suggested amendments to claims 1, 12, 16, and 26. Furthermore, in line with the Examiner's suggestion, Applicants provide a statement herewith regarding biological material.

### **BIOLOGICAL MATERIAL**

Applicants respectfully assert that the Applicants have made deposits of the above mentioned microorganisms with a depository under the Budapest Treaty and which satisfy the regulations 37 CFR §§1.801-1.809, including in 37 CFR §1.803(a)(1) which states that a deposit shall be recognized for the purposes of these regulation if made in any international depository authority (IDA) as established under the Budapest Treaty. Applicants have provided three forms indicating deposits made with the ATCC on May 26, 2005, June 30, 2005, and March 8, 2006 as evidence of such deposits.

Applicants further state that all restrictions imposed by the depositor on the availability to the public of the deposited material will be irrevocably removed upon the granting of a patent.

In view of the amendments and foregoing remarks, Applicants respectfully assert that the claims are in allowable condition.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner is invited to directly contact the undersigned by phone to further the discussion.

The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 14-1437, referencing Attorney Docket No. 5233.009.NPUS01.

**Conclusion**

Having addressed all issues set out in the Office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,  
NOVAK DRUCE & QUIGG, LLP

/Jason W. Bryan/  
Jason W. Bryan  
Reg. No. 51,505

Jason.Bryan@novakdruce.com  
1000 Louisiana Ave  
53<sup>rd</sup> floor  
Houston, Texas 77002  
T: 713-571-3400  
F: 713-456-2836